



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Larry Carr, Agency Member
Hedy L. Chang, Agency Member
Steve Tate, Agency Member

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Larry Carr, Council Member
Hedy Chang, Council Member
Steve Tate, Council Member

WEDNESDAY, JUNE 23, 2004

AGENDA

JOINT MEETING

REDEVELOPMENT AGENCY REGULAR MEETING

and

CITY COUNCIL SPECIAL MEETING

7:00 P.M.

A Special City Council Meeting Is Called at 7:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Deputy Agency Secretary/Deputy City Clerk Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy Agency Secretary/Deputy City Clerk Malone)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Kelsy Hendrickson
Mayor Kennedy

CITY COUNCIL SUBCOMMITTEE REPORTS

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 1-3

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **MAY 2004 FINANCE & INVESTMENT REPORT**..... 1
Recommended Action(s): Accept and File Report.
2. **APPROVAL OF 2004-2005 SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY
(SCRWA) BUDGET**..... 13
Recommended Action(s):
 1. Approve the 2004-2005 SCRWA Budget.; and
 2. Adjust the Adopted 2004-2005 City of Morgan Hill Sewer Operations and Sewer Impact Budgets as Detailed in Exhibits A and B.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

3. **CONSULTANT AGREEMENT WITH BENCHMARK** 39
Recommended Action(s): Authorize the Executive Director to Execute a Consultant Services Agreement with Benchmark for Fiscal Year 2004-2005 in an Amount not to exceed \$402,500 to Provide Project Management Services and Lead Testing for Housing Improvement Programs, Subject to Review and Approval by City Attorney.

Redevelopment Agency and City Council Action

CONSENT CALENDAR:

ITEM 4

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

4. **AGREEMENT FOR OUTSIDE LEGAL COUNSEL (RICHARDS, WATSON & GERSHON)** 41
Recommended Action(s): Authorize the Executive Director to Execute Consultant Agreement for Legal Services in FY 2004-2005 with Richards, Watson, and Gershon in the Amount of \$54,000, Subject to Review and Approval by City Attorney.

City Council Action

CONSENT CALENDAR:

ITEMS 5-9

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

5. **RESOLUTION SUPPORTING GRANT FUNDING FOR A COYOTE CREEK TRAIL CONNECTION PROJECT** 55
Recommended Action(s): Adopt Resolution Supporting a Coyote Creek Trail Connection Project as the City's 2004-2005 Transportation Fund for Clean Air Regional Fund Project Candidate.
6. **FINAL MAP APPROVAL FOR SAN PEDRO VILLAS (TRACT 9587)** 59
Recommended Action(s):
1. Approve the Final Map, Including the Abandonment of an Excess Portion of Cory Drive;
2. Approve the Subdivision Agreement and Improvement Plans;
3. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
4. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
7. **REJECT BIDS FOR SIDEWALK CONSTRUCTION ON THE NORTH SIDE OF EDMUNDSON, WEST OF MONTEREY ROAD** 73
Recommended Action(s): Reject Bids Received on May 19, 2004 for the Sidewalk Addition on Edmundson West of Monterey Road and Authorize Staff to Rebid the Project.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 9, 2004</u>	77
9.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 11, 2004</u>	101

Redevelopment Agency and City Council Action (Continued)

CONSENT CALENDAR:

ITEM 10

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10.	<u>AWARD OF CONTRACT FOR 2003-2004 PAVEMENT RESURFACING PROJECT</u>	103
	<u>Recommended Action(s):</u>	
	<u>Acting as Redevelopment Agency:</u>	
1.	<u>Adopt</u> Resolution Approving Payment by the Agency for All or Part of the Cost of Certain Street Improvements Which Benefit the Ojo De Agua Community Development Project.	
	<u>Acting as City Council:</u>	
2.	<u>Adopt</u> Resolution Approving Payment by the Morgan Hill Redevelopment Agency for All or Part of the Cost of Certain Street Improvements which Benefit the Ojo De Agua Community Development Project.	
3.	<u>Appropriate</u> \$125,000 From Current Year Unappropriated Street Fund Balance (202) for this Project.	
4.	<u>Award</u> Contract to Silicon Valley Paving, Inc. in the Amount of \$557,205.10 for Construction of the 2003-2004 Street Resurfacing and Reconstruction Project, Subject to Review and Approval by City Attorney; and	
5.	<u>Authorize</u> a \$55,720.00 (10%) Construction Contingency.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
11.	10 Minutes	
	<u>ORDINANCE AMENDING SECTIONS OF THE MUNICIPAL CODE REGARDING PURCHASING</u>	113
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
	Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
12.	30 Minutes	<u>REPORT OF THE COUNCIL SUBCOMMITTEE ON THE LIBRARY PROJECT SELECTION</u>	123
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> the Subcommittee Report; and	
		2. <u>Provide</u> Council Direction.	
13.	5 Minutes	<u>CALL GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004</u>	127
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> Resolution Calling Election to be Held on Tuesday, November 2, 2004 to Elect Mayor, Two City Council Members, City Clerk and City Treasurer;	
		2. <u>Adopt</u> Resolution Requesting the Services of the County of Santa Clara Registrar of Voters and the Consolidation of the Election; and	
		3. <u>Adopt</u> the November 2, 2004 Abbreviated Election Calendar.	
14.	5 Minutes	<u>CENTENNIAL PLANNING COMMITTEE</u>	135
		<u>Recommended Action(s):</u> <u>Consider</u> Mayor's Request to Form a Steering Committee to help in the Planning of the City's November 2, 2006 Centennial Celebration.	

Redevelopment Agency Action and City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: Arcadia Development Company v. City of Morgan Hill
Case Number: County of Santa Clara No. 1-04-CV-020598.

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: City of Morgan Hill v. VBN Corporation and ABSG Consulting, Inc.
Court/Case Number: Santa Clara County Superior Court, Case Number 1-03-CV-008266.

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill.
Case Number: United States Supreme Court 03-1571

5.

City of Morgan Hill
Regular Redevelopment Agency and
Special City Council Meeting
June 23, 2004
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CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Case Name:	Hacienda Valley Mobile Estates v. City of Morgan Hill
Case Number:	Santa Clara Superior Court, Case No. CV 807708

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT